(c) if so, the steps Government propose to take in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P. K. THUNGON) : (a) Yes, Sir.

(b) and (c) The report on the study conducted by the population Action International has not been received by the Government and is being obtained.

Main Features of Adoption Laws

232. SHRI KRISHAN LAL SRARMA: Will the Minister of WELFARE be pleased to state :

(a) the main features of the laws that govern the adoption of a child by the needy parents of the country;

(b) whether it is a fact that many needy parents have represented to the Government about their dissatisfaction over the multiplicity of rules and difficulties being faced in the process of adopting a child; and

(c) if so, what steps Government propose to take to streamline the procedure in this regard ?

THE MINISTER OF WELFARE (SHRI SITARAM KESRI) : (a) There is no uniform law to regulate adoptions in this country. Hindus can adopt a child through a religious ceremony or under Hindu Adoption and Maintenance Act, 1956 while others can take a child under their guardianship in terms of the Guardians and Wards Act, 1890. Main features of the Hindu Adoption and Maintenance Act, 1956 and Guardian and Wards Act 1890 are annexed as statement (*See below*).

(b) No, Sir.

(c) Does not arise.

Statement

Main features of the Guardians and Wards Act, 1890

The Guardians & Wards Act of 1890 has come into existence since Ist July, 1890 and applies to the whole of India except the States of Jammu & Kashmir. This law does not use the term 'Adoption' because it does not visualize a permanent contract. It is meant for those who according to their religion cannot adopt children. It allows them to look after a child for a limited period. A a child being looked after does not have any right like a natural child, the law does not set any limit on the number of children any one can look after or does not insist on the difference of age between the child and the guardian. There is no conflict between the natural children and children under guardianship. There can be many children taken under guardianship at one time, but each child has to be under twenty one.

Applications for Guardianship can be made in District Courts. Applications should be accompanied by a home-study report by a social worker. The act provides legal custody for a limited period. On the 21st birthday of the child, the contract ends, and the child and the guardian have no claim over each other. Experts advise guardians to take out an insurance policy so that the child is not left unprovided for at the age of twenty-one. This is a recommendation and not a legal compulsion. It is a good idea that guardians should give a child some economic stability at the beginning when he is still getting settled in life. Some guardians provide gifts or a share in the property in the will they make. This depends on the kind of relationship they develop. Any person who can offer protection to a child and his property can apply for guardianship. He has to submit an application in which he has to state the child's name, sex, religion, date of birth, his usual residence, and if there is any property belonging to the child—its location, and the estimated value of the property. If a child has parents and close relatives, then he

has to state their names and addresses, the kind of authority they have over the child and his reasons for offering guardianship to the child. After the courts perusal a day is fixed and notifications are sent to the applicant, is heard by the court and then the applicant is issued a temporary guardianship certificate.

According to the law a child can have one or more guardians and his property interests can be looked after by one and the same person or persons or an entirely different person or persons. It is expected that guardians will not change the ownership or mortgage a child's property. A court has a right to terminate the contract. Courts have a right to terminate any contract where any party interested in the child's welfare suspects any foul play and applies to the court or if the court's expectations from a guardian are not fulfilled. Conversely if the guardians for some reason want to terminate the contract and be relieved of the responsibility they can apply to the court and get the contract terminated if the court approves of the ground on which the persons want to terminate the contracts. With the maturity of the child or the death of the guardian the contract comes to an end. In the event of death or termination of the contract of court can appoint a new guardian. The welfare of the child and the protection of the child's property is the court's first priority, if there is any need the court can award some financial help to the guardian. The exact amount is decided at the court's discretion. This, in general, is the nature of the Guardians and Wards Act.

Main features of Hindu Adoption and Maintenance Act of 1956

For adoptions, there is only one law in India and that is the Hindu Adoption & Maintenance Act of 1956. The law applies to the whole of India except the state of Jammu & Kashmir and to all person who are Hindus, Buddhists, Jains, Sikhs, Veer-Shaivas, Lingavats, Brahmos, Prathana Samajists and Arya Samajists. It excludes those who by religion are Muslims, Christians, Parsees & Jews.

Any child can be offered for adoption, where both parents are Hindus, Buddhists, Jains, Sikhs and so on or, that child is raised as a Hindu, Buddhist Jain, Sikh etc. and is accepted as a member of that community, where the parents are not known or have abandoned the child. A child who is a convert or reconverted into these religions can also be acceptaed. The term 'Raised' connotes that the child is fed, clothed, given shelter, education, medical care and treatment. In the case of a girl the term includes her wedding expenses as well.

The process of adoption involves three groups—the parents who are going to adopt, those offering a child for adoption and last but not the least, the child offered for adoption. The adoptive parents must be aware of the legal implications of adoption and must meet the requirement of the agency. The natural parent must have authority to relinquish the child and the child needs to be capable of being adopted.

A mature woman of sound mind can adopt a boy or a girl. She may be divorced, unmarried or a widow. If her husband is alive and has renounced his religion, or is unsound mind (if this fact has been established in the court of law), a women can adopt.

No one other than the parents or the guardians of a child can offer the child for adoption. If the father is alive he has the right to offer the child in adoption but with the consent of his wife. If the mother has renounced her religion, or is of unsound mind, which had been established in the court of law, her consent is not needed. If the father is not alive, a mother can offer the child for adoption. If the father is alive but has renounced his religion or is of unsound mind and the fact has been established in the court of law, then his consent is not needed. If these rules are flouted, then the adoption is null and void and the child will not get the legal protection provided by law for adopted children. If a child offered for adoption not a Hindu or is already adopted, or is married or is over

the age of fifteen, then he cannot be put up for adoption. Every adoption is covered by a certain set of rules.

When the adoptive couple wants to adopt a boy, the mother or the father must not have his, her or their own Hindu son alive, or a son's son alive. If the couple want to adopt a girl, the mother or the father must not have her or his or their Hindu daughter alive, or his, her, or their Hindu son's Hindu daughter alive or any of these relations from the adoptive son, or son's adopted daughter or son.

One child, at one time cannot be adopted by more than one person. If a man wishes to adopt a girl, he must be twenty-one years older than the girl, if a woman is adopting l male child she must be twenty-one years older than him. Adoption is permanent, it does not need any sanction by religious rites but they can be performed if local customs or traditions demand them.

Living Conditions of Poor Children

233. **SHRI VIREN J. SHAH :**
SHRI PARMOD MAHAJAN :

Will the Minister of WELFARE be pleased to state :

(a) whether Government's attention has been drawn to a report published in the magazine section of Sunday Pioneer 'Pulse' of 14th November, 1993 under the heading 'Life on a garbage heap';

(b) whether it is a fact that Delhi is having more than 50,000 children who live in miserable conditions and support their families by collecting rage etc;

(c) if so, what is the number of such unfortunate children living in miserable conditions in various other metropolitan cities in the country; viz, Bombay, Madras, Calcutta, etc.;

(d) whether any welfare schemes have been considered by Government and other voluntary organisations for the welfare, education, employment and providing shelter to these unfortunate children who are victims of the circumstances; and

(e) if so, what are the details thereof. and what steps have been taken in this regard ?

THE MINISTER OF WELFARE (SHRI SITARAM KESRI) : (a) Yes, Sir.

(b) and (c) According to a Sample Survey sponsored by the Government of India and the UNICEF, Delhi has 1.10 lakh street children and Madras has 0.40 lakh street children. Data regarding the total number of street children in other cities is not available

(d) and (e) Yes, Sir. There is the Central scheme for the Welfare of Street Children under which grants are sanctioned to voluntary organisations for the welfare of street children. At present, the scheme is being implemented in 11 most populous cities of the country through 40 voluntary organisations. In addition to this, there is the scheme "Children in Need of Care and Protection", now transferred to the State Governments/UT Administrations w.e.f. 1-4-1992. In addition to the schemes of Central/State Governments, certain voluntary organisations are doing work for the rehabilitation of the street children from their own resources.

Steps to Tackle Alcohol Abuse

234. SHRI S. S. AHLUWALIA : Will the Minister of WELFARE be pleased to state :

(a) whether Government are aware that alcohol abuse is a major cause in failed marriages and family problems in the country;

(b) if so, whether Government have conducted any survey in this regard and, if so, the details thereof;

(c) if not, whether Government propose to conduct such a survey in the near future; and

(d) what steps Government are taking to enforce prohibition in the country ?